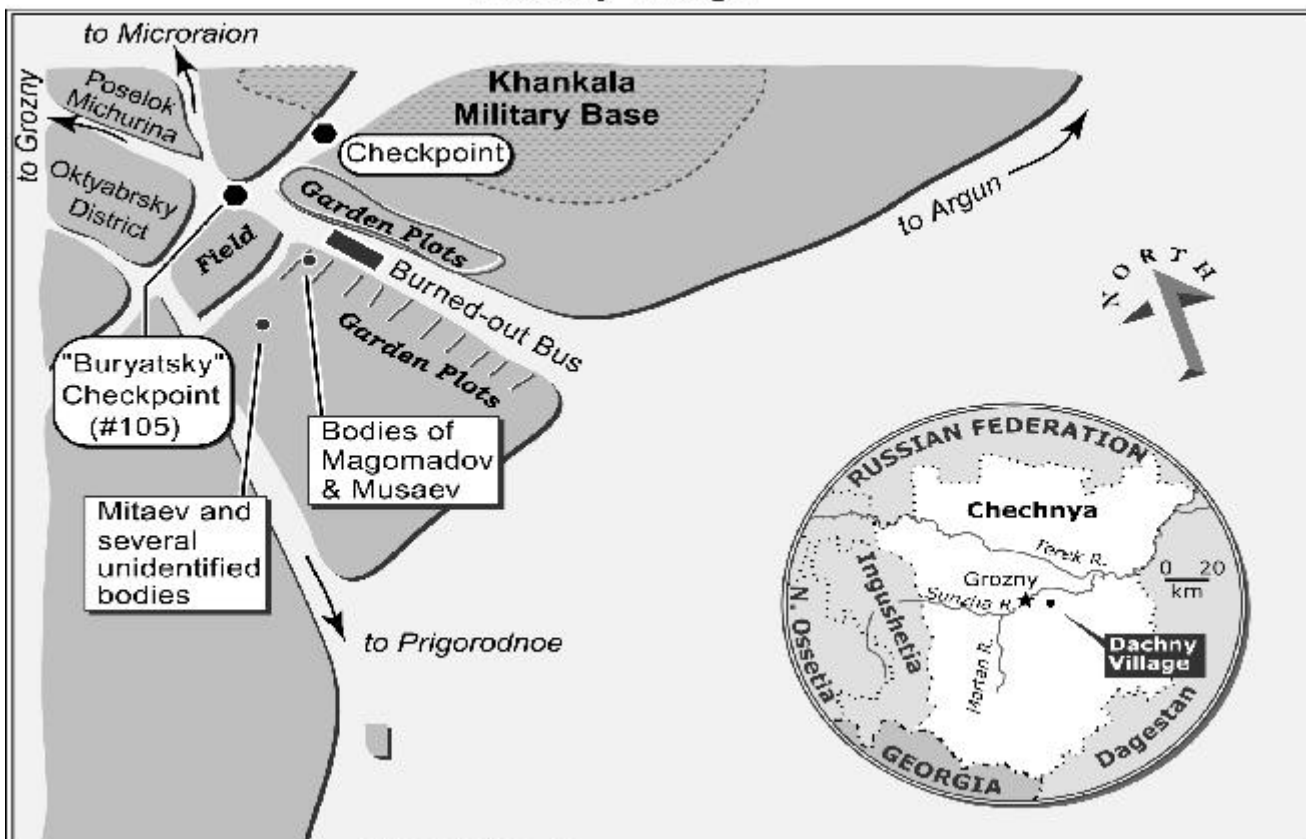


**RUSSIA/CHECHNYA
BURYING THE EVIDENCE:
THE BOTCHED INVESTIGATION INTO A MASS GRAVE IN CHECHNYA**

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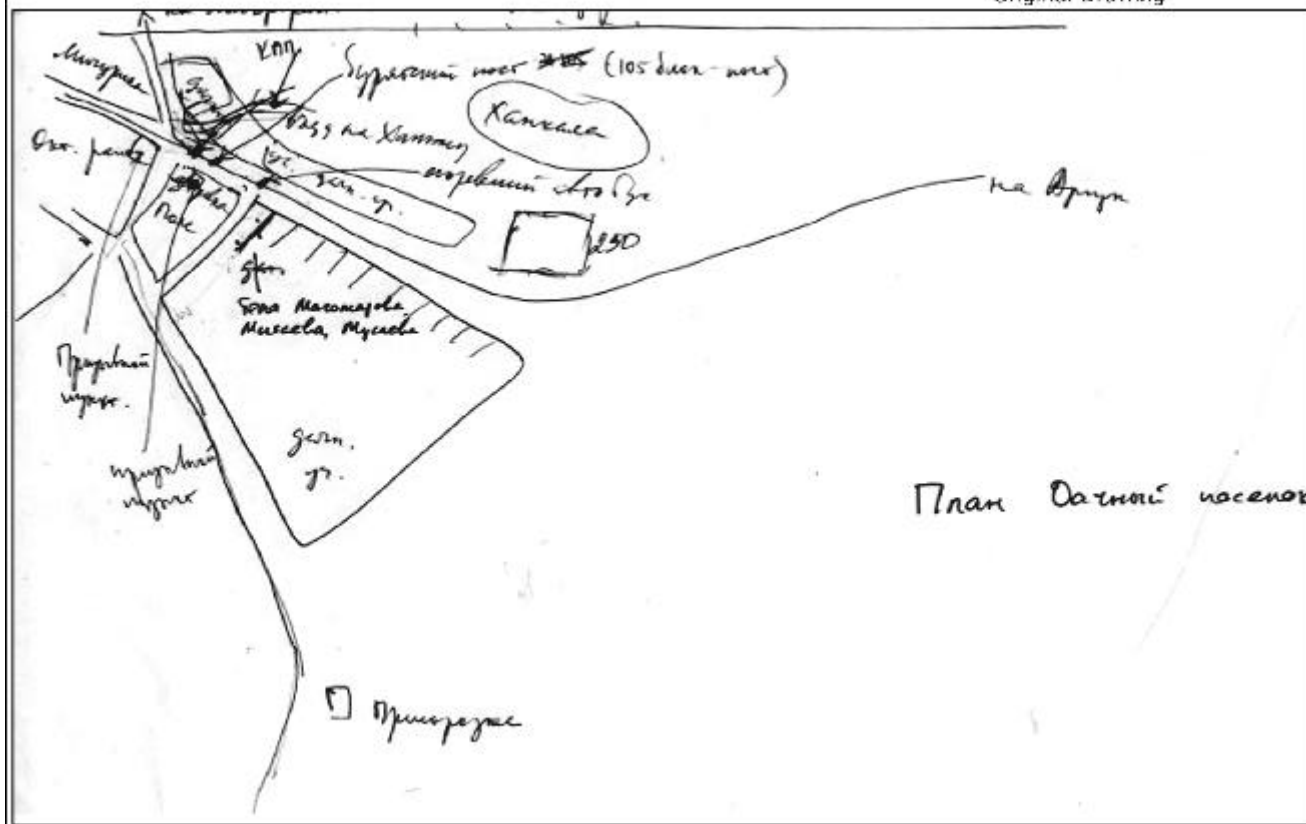
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Dachny Village



Interpreted Drawing

Original Drawing



INTRODUCTION

On February 24, a dumping ground for human remains was discovered in the village of Dachny (also called Zdorovye), located less than a kilometer from the main Russian military base in Chechnya. The corpses of fifty-one people were eventually found in the vicinity; nineteen bodies were identified, at least sixteen of which were the remains of people who were last seen alive in the custody of Russian federal forces. Most were in civilian clothing, some were blindfolded, and many had their hands or feet bound. The mass “dumping site”—the bodies were dumped along streets in the village and in abandoned cottages over an extended period of time—provides striking evidence of the practice of forced disappearances, torture, and extrajudicial execution of civilians by Russian federal forces in Chechnya.

Federal and local authorities denied responsibility for the deaths of those found at the site and instead blamed the deaths on Chechen rebel forces and criminal gangs. However, the area where the mass dumping ground was found has been under Russian military control since December 1999, long before the vast majority of the bodies were deposited there.

The Russian government’s investigation into the circumstances surrounding the deaths of those found at the site has been wholly inadequate. Russian authorities failed to provide adequate time or information for identifying the bodies, so that the victims’ relatives often did not know that they could view the bodies or learned about the identification process only through word of mouth. Russian authorities also conducted the investigation in a manner that did not preserve potentially crucial evidence that might have led to the identification of those responsible for the torture and execution-style killings of the more than fifty persons found at the site. The investigation provided further evidence of the Russian government’s refusal to take meaningful steps to identify the perpetrators of serious human rights abuses by its forces and hold them accountable.

Dachny was not the first site of unmarked graves to be found in Chechnya, although it is the largest found to date. In March, Human Rights Watch issued a report, “The ‘Dirty War’ in Chechnya: Forced Disappearances, Torture and Summary Executions,” documenting eight mass graves and eight other makeshift burial sites where corpses of the “disappeared” and others had been found.¹ Most of the people whose bodies were found in those graves were last seen in the custody of Russian federal forces, and most bore unmistakable signs of torture. Injuries commonly found on the bodies included broken limbs, flayed body parts, severed fingertips, and knife and gunshot wounds.

Human Rights Watch researchers interviewed nineteen individuals who searched for “disappeared” relatives at Dachny village or at the identification site. This report is based on those interviews, on information from the Moscow-based Memorial Human Rights Center, and on photographs and videos taken of the bodies.²

Dachny Village

The village of Dachny had been essentially abandoned since December 1999, and was most easily accessible to the military. Located just outside of Grozny, adjacent to Michurina settlement east of the city, Dachny stretches out for approximately two kilometers along the south side of the main road between Grozny and Argun. It covers several square kilometers and, on the south side, borders the main road between Grozny and Starye Atagi.

¹ Human Rights Watch, “The ‘Dirty War’ in Chechnya: Forced Disappearances, Torture, and Summary Executions,” *A Human Rights Watch Report*, vol.13, no.1(D), March 2001.

² Human Rights Watch published an abbreviated version of this report on April 16, 2001 in a memorandum entitled, “Russian Investigation of Mass Grave Not Credible Effort.”

Russian troops established control over Dachny village and the area around it in December 1999 as they closed in on Grozny. On January 25, 2000, the Russian army established its main base at Khankala on the other side of the Grozny-Argun road, approximately one kilometer away from Dachny village.³ It continues to be the main Russian military base in Chechnya. Helicopters, tents, and towers are visible from the road. One witness told Human Rights Watch that the road has been used almost exclusively for military purposes.⁴ A relief worker who traveled along the road periodically in 2000 said that he saw very little civilian traffic along it and that most people preferred to drive around the base to avoid the difficult checkpoints.⁵ Checkpoint 105, just west of Dachny, apparently was particularly difficult to pass, as troops manning the checkpoint would turn back civilian travelers on it.⁶

Prior to the war, Grozny residents maintained their summer cottages, vegetable gardens, and small orchards in Dachny, and would spend their weekends and holidays there. But civilians have apparently not been living in the village, due to the significant damage it suffered during the war and to its inaccessibility. Those who went to the village to look for their relatives reported that many of the cottages were destroyed and plots of land abandoned. For example, “Vakha Rubaev” told Human Rights Watch said that when he looked for the body of his son there he saw mainly “destroyed cottages, wildly growing fruit bushes and trees . . . a sad place.”⁷

The proximity of the military base and the numerous checkpoints made access to the Grozny-Argun road and thus Dachny village difficult for civilians. But tracks of armored personnel carriers (APCs) and other military vehicles suggest that Russian troops went regularly to the village of Dachny. “Vakha Rubaev,” who searched Dachny in February 2001 for his “disappeared” relative, told Human Rights Watch that “there are signs of the treads of tires, either of trucks or APCs” in the village. Indeed, such tracks are visible on a picture taken on February 24, 2001, showing Chechnya procurator Vsevolod Chernov on a road off the Grozny-Argun road leading into Dachny village.⁸

The Discovery of the Mass Dumping Ground

Rumors that bodies had been discovered at the Dachny village started to circulate in Chechnya in late January 2001. However, as the village is located in the immediate vicinity of the main Russian military base in Chechnya, travel in the area is restricted. Many relatives of the missing and “disappeared” told Human Rights Watch they were reluctant to conduct extensive searches so close to the military base because of fear of being shot at or detained.

The first of the bodies to be found at Dachny, that of Adam Chimaev, was reportedly recovered from the village on February 15, 2001. According to the Memorial Human Rights Center, Chimaev had been detained at a Russian checkpoint between Shali and Germenchuk on December 3, 2000.⁹ In early February 2000, a military officer told Chimaev’s relatives—who had been actively looking for him—that his body was in a cottage at Dachny village. The relatives subsequently paid the equivalent of U.S. \$3,000 to be allowed to remove Chimaev’s body from the village. Chimaev had been shot three times in the chest.

³ “Russian military HQ moves to Grozny suburb,” NTV independent television, January 25, 2000, as reported in BBC Monitoring.

⁴ Human Rights watch interview with “Vakha Rubaev” (not his real name), Nazran, March 16, 2001.

⁵ Human Rights Watch interview, December, 2000.

⁶ Checkpoint 105 was popularly known as the “Buryat checkpoint,” apparently because it is manned by troops from the Buryat Republic.

⁷ Human Rights Watch interview with “Vakha Rubaev,” Nazran, March 16, 2001.

⁸ Relatives of Odes Mitaev, Said-Rakhman Musaev, and Magomed Magomadov were present at Dachny village when Chechnya procurator Vsevolod Chernov inspected the sight on February 24, 2001. They took several pictures, copies of which were obtained by Human Rights Watch.

⁹ See Memorial press materials, “Bodies Near Khankala: Irrefutable Proof of War Crimes by Federal Forces,” March 5, 2001, available on the Memorial website at www.memo.ru/hr/hotpoints/N-Caucas/hankala/app2.htm (accessed March 2001). Memorial is the source for all other information on the Chimaev case in this report.

Russian officials responded to reports of the mass dumping ground only after another group of relatives found the bodies of their “disappeared” relatives—Magomed Magomadov, Odes Mitaev, and Said-Rakhman Musaev—on February 21 and formally reported the discovery to the authorities. Russian forces on APCs had detained the three men on December 10, 2000, in their home village of Raduzhnoe. The relatives told Human Rights Watch that they found out about the dumping site by word of mouth, from a woman who was searching for her own son at Dachny. “Vakha Rubaev,” an uncle of Odes Mitaev, said:

[My sister-in-law] was searching for him. She . . . met a woman . . . who was also looking for her sons. Well, she described the clothes of my nephew. You could say that they exchanged “information.” And then February 20, 2001, an aunt of Odes came to us. . . The woman had told [his] aunt that “according to the description, your nephew Odes Mitaev is at Dachny village, not far from Khankala.”¹⁰

The woman provided the aunt with directions to the site where she thought she saw Odes Mitaev’s corpse. According to her instructions, one needed to enter Dachny from the Argun road at checkpoint 105, near a burned out bus. The next day, relatives of Mitaev, Magomadov, and Musaev went to Dachny. To ensure their protection, one of the relatives, who works in the federally-appointed administration of Chechnya, arranged for several OMON troops to accompany them.¹¹ “Rubaev” said:

We found the reference point—the bombed out and burned bus, stopped near it and walked onto the territory of the Dachny village. . . . We went in—it was snowing and forty or fifty meters from the road we found two bodies. The OMON officers put a hook on them (they were thrown on top of each other) to see if they were mined or not. They stretched the rope and pulled them apart. When we established that they were not mined, . . . A relative recognized Said-Rakhman, and Magomadov [recognized] his brother, Magomed.¹²

“Rubaev” and another relative of Odes Mitaev continued their search further along the road, even after the OMON officers warned them that it could be mined. “Rubaev” said:

We walked further into the village along the road at our own risk, along the tracks of an APC. We walked in some five or six hundred meters. . . following some intuition we started walking along other tracks and found our nephew under the wall of a destroyed cottage. . .¹³

“Rubaev” said he saw several other dead bodies along the road.

The relatives said that they subsequently informed the authorities of their discovery. On February 24, 2001, the discovery of the mass dumping site became generally known, both in Chechnya and elsewhere. That day, Vsevolod Chernov, who at the time was the civilian procurator (prosecutor) of Chechnya, visited the site and procuracy officials confirmed that they had found numerous dead bodies in the village.¹⁴ According to Interfax, Chernov also announced that “all the discovered bodies were mined,” something that could not be independently confirmed.¹⁵ According to media reports, the military sealed off the area to people seeking missing relatives.

¹⁰ Human Rights Watch interview with “Vakha Rubaev,” Nazran, March 16, 2001.

¹¹ OMON (Otriady Militsii Osobogo Naznachenia) are riot troops.

¹² Human Rights Watch interview with “Vakha Rubaev,” Nazran, March 16, 2001.

¹³ Ibid.

¹⁴ Robyn Dixon, “Chechen Bodies Found at Mass Dumping Site,” *Los Angeles Times*, February 25, 2001.

¹⁵ Interfax news agency, February 25, 2001, as cited in BBC Worldwide.

The Recovery and Identification Process

Russian officials recovered bodies from the village between February 24 and March 2, 2001. On several occasions, government officials provided updated information on the number of bodies found but volunteered no other information. On March 2, 2001, Chechnya procurator Vsevolod Chernov announced that the “inspection” of Dachny village had finished and that a total of forty-eight dead bodies had been recovered.¹⁶

The Chechen civilian procuracy, then headed by Chernov, led the operation. It is unclear what other law enforcement agencies and experts participated in the operation, where exactly the forty-eight bodies were found, and what leads on possible suspects in the killings had been found at the site. The bodies were put in body bags, which were numbered, and then taken to the Ministry of Emergency Situations (MChS) base in Grozny,¹⁷ where they were laid in rows on the floor of a huge half-empty and half-destroyed building used as a temporary morgue. The bodies were transferred to the base in shifts, from February 24 through March 2. Notably, no cooling devices were available at the site.

By February 26 or 27, 2001, nine bodies had been brought to the base, and relatives of missing persons were allowed to view them. During the ten days that followed, fourteen persons were identified; the remaining thirty-four bodies were not unidentified.

The MChS base, which is located near the Grozny city procuracy, was fully accessible to the public. Relatives could simply walk in and look around. A procuracy official was present to deal with people who identified their relatives among the bodies.

Human Rights Watch researchers interviewed a total of nineteen people who inspected the bodies, looking for their relatives; many were unsuccessful. Several Human Rights Watch interviewees visited the base every few days to inspect newly arrived corpses. For example, forty-five-year-old Zura Ismailova, whose son went missing in September 2000, told Human Rights Watch on March 10, 2001 that she had been at the base for the ninth consecutive day to look for him. She did not find his body.¹⁸ Video footage shot by the Memorial Human Rights Center on February 28, 2001 shows about a dozen people walking among the bodies, looking at faces and clothes, examining shoes and other items that could lead to identification. Almost all these people are shown holding handkerchiefs to their mouths, apparently against the stench; one man can be seen wearing a gas mask.

People who identified their relatives told Human Rights Watch they tried to bring the bodies home as quickly as possible to bury them in accordance with Muslim tradition. As far as Human Rights Watch is aware, in most cases these people were allowed to bring the bodies home the same day or the next, after presenting the necessary identification documents to the procuracy official present. Relatives of Islam Tazurkaev, for example, told Human Rights Watch they found him among the corpses and brought him home after bringing identity papers to the base the next day.

The Burial of the Unidentified Bodies

¹⁶ Andrei Kuzminov, “On the Territory of the Gardening Collective ‘Zdorovye’ Outside Grozny Forty-Eight Dead Bodies Were Found,” Itar-Tass news agency, March 3, 2001.

¹⁷ Whereas it appeared that only a number (1 to 48) was written on the vast majority of the body bags, relatives of Islam Tazurkaev told Human Rights Watch that the body bag containing Tazurkaev’s corpse was labelled as “28.02.01 401 '10'.” It is clear that the first figures are the date of recovery of the body, but it is unclear what the other figures mean. Human Rights Watch interview with a relative of Islam Tazurkaev, Nazran, March 13, 2001.

¹⁸ Human Rights Watch interview with Zura Ismailova, Nazran, March 10, 2001.

Without any prior announcement, on March 10, 2001, the Russian authorities buried the remaining thirty-four unidentified bodies near Prigorodnoe, a village just outside Grozny. The press secretary of the Chechen procuracy told a reporter of the *Moscow Times* that it would have been “blasphemy” to keep the decomposed bodies any longer but gave no further explanation.¹⁹ Photographs taken on the day of the burial show that each corpse was buried in a body bag in an individual grave in a field near the village.

BACKGROUND ON THE IDENTIFIED BODIES

Photo and video footage, as well as eyewitness testimony, indicate that the overwhelming majority of the corpses were dressed in civilian clothing and that most were adult men. At least four women were seen among the corpses. The hands and legs of many were bound with wire or cloth, many wore blindfolds, and most also bore gunshot wounds to the stomach, chest, or head. Photo and video footage show that the corpses were in varying stages of decay: on some, the facial features were clear, and skin color was still normal, indicating that they died only weeks before the discovery. Others were little more than a skeleton.

Of those identified, the vast majority had previously been detained and “disappeared” in the custody of Russian troops. Human Rights Watch and Memorial together have gathered details on the detention by federal forces and subsequent “disappearance” of sixteen of the nineteen people whose bodies were identified.²⁰ The detentions and the subsequent “disappearances” of these people followed the exact same pattern as more than one hundred other “disappearance” cases Human Rights Watch has documented since January 2001.²¹ As of this writing, no information was available on the three other individuals whose bodies had been identified, as neither Memorial nor Human Rights Watch had been able to locate the persons who identified them.

Magomed Magomadov, Odes Mitaev, and Said-Rakhman Musaev

Masked men riding military vehicles took into custody Magomed Magomadov, Said-Rakhman Musaev, and Odes Mitaev in three separate incidents during a December 10, 2000 sweep operation in Raduzhnoe and Dolinskii villages. Their bodies, each of which bore clear signs of summary execution, were found in Dachny village on February 21, 2001.

Between 6:00 and 9:00 p.m. on December 10, a convoy of two APCs and four military trucks without identification marks, carrying between sixty and seventy armed and masked men in military uniform, conducted a sweep of Raduzhnoe, Pobedinskoe, and Dolinskii villages. The masked men seized a total of twenty-one people from the villages of Dolinskii and Raduzhnoe that night, including Magomed Magomadov, Odes Mitaev, and Said-Rakhman Musaev.

As the convoy drew near the house of thirty-one-year-old Magomed Magomadov, men in the convoy opened fire on a passenger car, wounding the driver. According to a relative of Magomadov, witnesses told him masked men seized Magomadov when he came out of his house to see what had happened, and drove off toward the highway.²²

¹⁹ Ana Uzelac, “One Woman’s Story From the Grave,” *Moscow Times*, March 14, 2001.

²⁰ In its March 2001 report, “The ‘Dirty War’ in Chechnya,” Human Rights Watch gave details on the “disappearances” and the discovery of the dead bodies at Dachny village of six civilians: Magomed Magomadov, Said-Rakhman Musaev, Odes Mitaev, Nura Lulueva, Markha Gakaeva and Raisa Gakaeva. See also Memorial Human Rights Center, “Bodies Near Khankala,” Appendix 3, March 5, 2001.

²¹ For a detailed description of this pattern, see Human Rights Watch, “The ‘Dirty War’ in Chechnya,” p. 7-22.

²² Human Rights Watch interview with a relative of Magomed Magomadov, Nazran, March 9, 2001. For testimony from relatives of all three men, see Memorial website, www.memo.ru/hotpoints/N-Caucas/hankala/hankala.htm (accessed March 2001).

Odes Mitaev and two friends were returning home that evening when soldiers standing by their APCs detained them at an intersection between the villages of Raduzhnoe and Pobedinskoe. “Vakha Rubaev,” an uncle of Mitaev, told Human Rights Watch that he spoke to the friends with whom his nephew was detained after they were released in mid-December 2000.²³ The friends told “Rubaev” that they initially thought the APCs belonged to the OMON unit from Ufa (the capital of Bashkortostan, a republic of the Russian Federation) that was deployed in the village, with whom villagers apparently had good relations. However, when they drove up to the APCs, the soldiers grabbed them, pulled them out of their car and took them away.²⁴ According to the young men who were later released, the soldiers drove first to Grozny and then Khankala on back roads.

“Alvi Dadaev,” a relative of Said-Rakhman Musaev, told Human Rights Watch that Said-Rakhman left home on December 10, 2000; “Dadaev” assumed he would stay with his sister’s family that night. However, the next day, “Dadaev” learned that Said-Rakhman had been detained on the road near the village of Raduzhnoe.²⁵

On December 13, 2000, eleven of the twenty-one detainees were released from Russian army custody. Five others were released on December 17. According to Magomadov’s relative, the sixteen former detainees told people from the three villages that they had been detained at the Khankala military base in pits that were covered by tents. Those released on December 17 confirmed that Magomadov, Musaev, and Mitaev were still at Khankala. Two days later, two more of the twenty-one detainees were dropped off in Gikalo village. These villagers, according to the relative, said that Magomadov and Musaev had been separated from the others reportedly because they were observing Ramadan and would not accept water when it was offered to them. It was not clear where Mitaev was at this point. The relative said that all eighteen men who had been released alleged they had been severely beaten.

For more than two months, the families of Magomadov, Musaev, and Mitaev had no information on their fate or whereabouts. On February 21, 2001—after receiving news of a possible sighting of the bodies of the three at the mass dumping ground at Dachny village—the relatives traveled to the site and found the corpses of their relatives.²⁶

All three bodies bore signs of summary execution. According to two eyewitnesses, all three men had their hands tied behind their backs and were blindfolded.²⁷ Magomadov’s relative said that “all [three] had been shot in the stomach area, there were wounds on their shoulders, in the heart area, and all had been shot in the head.” He also said that the three had also clearly been beaten on the head. He also believed that “bones on the extremities of their arms and legs were broken.”²⁸

Mitaev’s body was also bore marks of torture. “Vakha Rubaev” described his body as follows:

His right ear was cut off and two fingers were cut off. . . . When we took off his sweater, and examined him, we found two stab wounds in his stomach area . . . There was also a shot wound to the back of the

²³ Human Rights Watch interview with “Vakha Rubaev,” March 16, 2001, Nazran.

²⁴ While the identity of the unit that conducted the raid is unknown, it was not run by the Ufa OMON unit. According to a male relative of one of the three, he sought information on his relative’s whereabouts, the day after the three “disappeared,” from the commander of the Ufa OMON unit. The latter reportedly told the relative that there had been a special operation, not run by the Ministry of Internal Affairs, with which the OMON unit was not to interfere. However, subsequently the OMON commander denied having said this and any knowledge of such a special operation.

²⁵ Human Rights Watch interview with “Alvi Dadaev” (not his real name), March 16, 2001, Nazran.

²⁶ See for detailed description pages 5-6.

²⁷ Human Rights Watch interview with a relative of Magomed Magomadov who requested to remain anonymous, Nazran, March 9, 2001; and Human Rights Watch interview with “Vakha Rubaev,” March 16, 2001.

²⁸ Human Rights Watch interview with a relative of Magomed Magomadov who requested to remain anonymous, Nazran, March 9, 2001.

head. Thank God—if one can say that—animals had not touched him because his body was covered by clothes.

Nura Lulueva, Markha Gakaeva, Raisa Gakaeva, and Aset Elbuzdukueva

An army APC carrying about twenty armed and masked men in camouflage raided Grozny's northern market on Mozdokskaya Street at around 9:00 a.m. on June 3, 2000. The masked men detained Nura Lulueva, a forty-year-old mother of four children, her cousins Markha and Raisa Gakaeva, Aset Elbuzdukueva, and another six to eight people, most of them women.²⁹ The masked men loaded them onto the APC, pulled bags over their heads, and drove away.

Said-Alvi Luluev, Nura Lulueva's husband, arrived at the market several hours after the sweep and talked to numerous eyewitnesses.³⁰ A judge, Luluev told Human Rights Watch that everyone, including Chechen police officers from the local precinct, found the raid puzzling, as apparently nothing extraordinary had happened at the market that morning. Luluev said that when local police—informed by eyewitnesses—came to the market and asked the masked men for an explanation, one apparently flashed an ID and told the police “not to interfere.” The masked men subsequently fired toward the police officers and drove away. Human Rights Watch does not know if anyone was wounded.

According to Luluev, his wife and her cousins had been selling strawberries at the market. He said that such small-scale trade provided his family with vital income, as he had been unemployed since 1997, when the Chechen government introduced Sharia law. All three women lived in Gudermes, but apparently traveled to Grozny on a regular basis.³¹

Luluev approached all of the law enforcement agencies, including the temporary police department, the procuracy, and the Federal Security Service (referred to in Russian by the acronym FSB) on a regular basis to find out who carried out the raid and where his wife was taken. However, each of these agencies said they had not carried out the detention of his wife and denied that any special operation had taken place that day at the northern market in Grozny.

According to Luluev, his brother-in-law learned on March 4, 2001 by word of mouth that dead bodies had been discovered at Dachny village.³² He visited the MChS base that same day and identified his sister and their two cousins among the corpses. The three bodies were buried that same evening in the village of Noibera near Gudermes.³³ According to Memorial, relatives identified Elbuzdukueva's body at the MChS base on March 8, 2001.

Little is known about the conditions of the bodies of the four women. Luluev told Human Rights Watch that according to Nura Luluev's brother the bodies of Nura Lulueva and her two cousins were in an advanced stage of decomposition and were identified by earrings and clothing. The women had blindfolds over their eyes, but the exact cause of death was not evident. Memorial did not report any details on the conditions of Elbuzdukueva's body.

²⁹ Said-Alvi Luluev told Human Rights Watch that he was able to establish the name of only one other person, Zavalu Tazurkaev, who was also seized in the incident. Human Rights Watch has no information on his fate. Memorial Human Rights Center interviewed a relative of Aset Elbuzdukueva in March 2001. Memorial Human Rights Center, “Bodies Near Khankala,” March 5, 2001.

³⁰ Human Rights Watch interview with Said-Alvi Luluev, Moscow, October 19, 2000.

³¹ Ibid.

³² Human Rights Watch interview with Said-Alvi Luluev, Moscow, March 12, 2001.

³³ Ibid.

Rustam Riskhanov (age twenty-seven), Ramzan Riskhanov (age thirty-two), and Tasu Timarov (age thirty-two)

On December 9, 2000, a car bomb exploded in Alkhan-Yurt, reportedly killing nineteen civilians and wounding another twenty-one.³⁴ At around 1:00 a.m. on December 10, federal troops came to the Riskhanov and Timarov homes in Alkhan-Yurt and detained, respectively, Rustam and Ramzan Riskhanov, and Tasu Timarov. In both cases, the detaining soldiers said they were conducting identification checks in relation to the bombing.

A relative of Tasu Timarov told Human Rights Watch that she heard a knock on the door of their home at 1:00 a.m. on December 10.³⁵ When she opened the door, a masked man in camouflage uniform walked in and told her to be quiet. The man sat her down on her bed and moments later, she said, some twenty-five masked men were in the house and forced her, Timarov, and his sister to lie down on the floor. After asking Timarov for his last name, the masked men led him away, reportedly saying “we will clarify everything, and then release him.” After they left the house the relative ran outside and saw numerous APCs and other military vehicles on the street corners. They all drove away at the same time.

A relative of Rustam and Ramzan Riskhanov said she woke up at 1:00 a.m. when a flashlight was shone in her face.³⁶ When she opened her eyes, she saw four soldiers—all dressed in military uniforms and not wearing masks. After taking Ramzan Riskhanov outside, one of the soldiers asked the relative for his documents. Then the soldiers broke down the door of the room where Rustam Riskhanov and his family were sleeping, and told him to get dressed and to bring his documents. The relative told Human Rights Watch she pleaded with the soldiers not to “come in the nighttime like robbers” but to come back during daytime. The soldiers took both men away.

In subsequent weeks, relatives of the three men inquired about their whereabouts with Gaidar Gajiev, the Urus-Martani military commander, Ivan Babichev, commander of the United Group of Forces in Chechnya, the mayor of Urus-Martan, and many others, to no avail. In late February 2001, a man from the village of Dolinskii told the relatives that he had been detained in a pit together with the three men for a few days in mid-December 2000. The man—who said they had been blindfolded the entire time—believed they had been held at Khankala military base as they had constantly heard the noise of helicopters above them. The relatives did not know how the three men were treated there.

The relative of Rustam and Ramzan Riskhanov told Human Rights Watch that on March 6, 2001 another relative identified and brought the bodies home from the MChS base in Grozny. Earlier that day she had met with Vsevolod Chernov, procurator of Chechnya, seeking information on the whereabouts of the two. She told Human Rights Watch:

It was almost impossible to look at them, they were severely tortured. Their legs were broken, their backs were cut up with knives, [Rustam’s] neck was cut. [Rustam’s body] bore more wounds than [Ramzan’s]. His neck had been cut with some kind of zig-zag blade . . . Both had been shot through both shoulders. Both had their hands tied, Ramzan with rope and Rustam with some kind of cloth, it was fastened very tight.³⁷

³⁴ “Car bombing kills 19 civilians in Chechnya,” Associated Press, December 10, 2000.

³⁵ Human Rights Watch interview, Nazran, March 13, 2001. Unless otherwise indicated, all information about the detention of Tasu Timarov comes from this interview.

³⁶ Human Rights Watch interview with a relative of Rustam and Ramzan Riskhanov who asked to remain anonymous, Nazran, March 13, 2001, Nazran.

³⁷ Ibid.

The relative also said that both men were relatively clean shaven, suggesting that they were killed soon after they were detained. Timarov's relative told Human Rights Watch that Tasu Timarov had been scalped.³⁸

Islam Tazurkaev (age thirty-two)

On January 20, 2001, Islam Tazurkaev was traveling by car with several Chechen policemen to his home in Novye Aldi, Grozny. At a checkpoint on Minutka Square, Russian troops stopped the car, checked the passports of the passengers, and detained Tazurkaev. A relative of Tazurkaev spoke to several eyewitnesses of the detention who told him that the soldiers pulled a bag over Tazurkaev's head and drove him away toward the Khankala military base in an APC without identification marks.³⁹

In subsequent days and weeks, Tazurkaev's relative, mother, and sister actively searched for him to no avail. On March 5, 2001, when they learned that bodies discovered at Dachny village were laid out in Grozny, Tazurkaev's mother traveled to the MChS base to examine them; she identified her son's body that day. The next day, after bringing papers confirming his identity, the family brought his body home for a proper funeral. Tazurkaev's relative told Human Rights Watch the body bore clear marks of torture. He said:

His right leg was broken, he had a broad cut from above his right ear down to just below his neck, there was a similar cut on the left side, the skin was stripped off his shoulder blades, his arms were broken, he had been shot straight through the eyes, and there was a big hole in the back of his head where the bullets had exited. . . . His hands and arms had been burned as well, and his ribs beaten and broken.⁴⁰

Umatgeri Edilbekov (age thirty-five) and Magomed Malsagov (age twenty-four)

At approximately 11:00 a.m. on December 23, 2000, Magomed Malsagov and his friend, Umatgeri Edilbekov, left Malsagov's home in Grozny by car, telling relatives they would be back in half an hour. They never returned. The next day, relatives found Malsagov's burned out car at the Novy Avtovokzal in Grozny's October district. People who were selling petrol close by told them that federal troops had stopped the car and had taken the two men away.⁴¹ In subsequent days and weeks, relatives of the two men led a fruitless search for them.

On March 3, 2001, relatives of Magomed Malsagov went to the MChS base in Grozny to search for him, and identified the body of Umatgeri Edilbekov. The following next day, they also identified Malsagov's body. Malsagov's relative told Human Rights Watch, "The skin on his scalp had been stripped, he was scalped. . . . His hands were tied behind his back."⁴²

Memorial interviewed Edilbekov's brother and neighbor. The neighbor stated that they could identify Edilbekov's body only by his clothes. He told Memorial that Edilbekov's throat and one cheek had been cut and that several of his nails were missing.⁴³

Three Additional Cases Documented By Memorial

³⁸ Human Rights Watch interviews with a relative of Tasu Timarov who asked to remain anonymous, March 13, 2001, Nazran.

³⁹ Human Rights Watch interview with a relative of Islam Tazurkaev, Nazran, March 2001.

⁴⁰ Ibid.

⁴¹ Human Rights Watch interview with a relative of Magomed Malsagov, March 13, 2001, Nazran.

⁴² Ibid.

⁴³ See excerpts from interviews with Ramzan Edilbekov and Salman Kurbanov at: <http://www.memo.ru/hr/hotpoints/northkavkaz.htm> (Accessed May 2001).

The Memorial Human Rights Center, which has had a research office in Ingushetia since March 2000, interviewed the relatives of another three people whose corpses were found at Dachny village. In each of these cases, relatives stated that the person had previously “disappeared” in the custody of Russian troops:

- C Saikhan Askhabov (age forty).** According to information collected by Memorial, federal forces detained Saikhan Askhabov during a sweep operation in Alkhan-Kala on August 14, 2000, where he had been staying as an internally displaced person. His body was identified on February 28, 2001.⁴⁴
- C Nasrudi Dakaev (age twenty-one).** Federal soldiers detained Nasrudi Dakaev at his home in Urus-Martan on the night of December 26, 2000. When relatives inquired with law enforcement agencies and military authorities about the whereabouts of Dakaev, his detention was flatly denied. On March 9, 2001, Dakaev’s father identified his son’s body at the MChS base.⁴⁵
- C Isa Larsanov** Masked federal soldiers detained Isa Larsanov at his home in Alkhan-Kala at around 12:00 p.m. on January 17, 2001. Attempts by Larsanov’s wife to find her husband led nowhere. When she learned that dead bodies had been discovered at Dachny village, she travelled to the village but was told that several bodies had been taken to the October district police precinct. At that precinct she identified the body of her husband by his clothes. She said that an eye was missing and that his arms and wrists had been burned. She believed he had been tortured with electroshock. She found no stab or gunshot wounds on his body.⁴⁶

RUSSIA’S PUBLIC RESPONSE

When news of the mass dumping ground was first reported, Russian government officials immediately denied any responsibility, refused to provide the public with essential information about the discovery and its investigation, and misrepresented the facts in its limited public statements. Vsevolod Chernov, the principal official commentator on the discovery of the bodies, gave inconsistent, contradictory, and often highly unlikely explanations for their presence. As more details became known about the background of the dead who were identified, the procurator eventually admitted that some “disappeared” civilians might be among them. The Russian procurator general and top government officials remained completely silent.

In his public statements, Chernov withheld key information and distorted evidence that implicated Russian forces in the deaths. He asserted both that the bodies were civilians killed by Chechen fighters and criminal gangs, and that the bodies belonged to Chechen fighters who had died in military hostilities.

On February 25, 2001, the day after news broke of the mass dumping ground, Chernov suggested that the bodies were civilians who had been killed by Chechen rebel fighters and dumped at Dachny village. Interfax quoted him as saying that “eleven bodies of civilians have been found” in Dachny and that “we might also find other individual graves of civilians killed by rebels at different times.”⁴⁷ The next day, after another five bodies were found, Chernov suggested that some of the bodies might have been people taken hostage by Chechen criminal gangs. The

⁴⁴ See Memorial’s materials on the mass dumping ground at: <http://www.memo.ru/hr/hotpoints/northkavkaz.htm> (Accessed May 2001)

⁴⁵ Salamu Dakaev, the father of Nasrudi, first appealed to Memorial for help locating his son on January 22, 2001. On March 11, 2001, a Memorial employee interviewed him in Urus-Martan about the discovery of his son’s body. See excerpts from the interview at: <http://www.memo.ru/hr/hotpoints/N-Caucas/hronics/hr0103/m0103091.htm> (accessed May 2001).

⁴⁶ A Memorial researcher interviewed Isa Larsanov’s relative in Alkhan-Kala in March 2001.

⁴⁷ Interfax news agency, February 25, 2001, as cited in BBC Worldwide.

government-controlled television station RTR quoted Chernov as saying that “the remains of sixteen bodies are most likely those of hostages seized by the terrorists.”⁴⁸

Itar-Tass attributed more careful words to Chernov, quoting him as saying that “according to some sources, hostages were held there [in Dachny] three or four years ago.” In the same interview with Itar-Tass, Chernov also appeared to suggest that the bodies might be people who were killed during military hostilities in Dachny village. He said: “Besides, it was a site of fighting because some houses are destroyed.”⁴⁹

Chernov did not inform the public that the Khankala military base was adjacent to the dumping ground in Dachny village, nor did he mention that the bodies were found in an area long under Russian military control. Rebel fighters carrying numerous dead bodies would have had to repeatedly pass through highly secure military checkpoints on the Grozny-Argun road near the base, which is unlikely. Chernov also failed to mention that there were fresh tracks of APCs in the village, which indicate the recent presence of Russian soldiers—Chechen rebel fighters do not have APCs.

Another week later, on March 2, 2001, Chernov stated in an interview with Interfax that most bodies had “likely” been Chechen rebel fighters. The Interfax news report stated:

He [Chernov] said that according to the preliminary investigation “it is likely that the majority of the dead were rebels.” The procurator said that their clothes testified to this fact: “many had on camouflage uniforms of foreign make and Turkish-made underwear.” In addition Chernov said that “almost all the bodies found were of men of working age.” The majority of them have gunshot wounds that been bandaged [sic]. In this connection, the republican procurator did not rule out the possibility that the village of Zdorovye “was used as a kind of cemetery.” According to initial information, the people whose bodies have been discovered there “died at different times, from a month and a half to a year ago.” The dead may also include foreigners who fought with bandit formations, stressed Chernov. According to one theory of the investigation, when the rebels took their injured and dead out of Grozny, they left “aliens” behind in the village and took their “fellow countrymen” with them for burial, the prosecutor explained.⁵⁰

The procurator did not mention that in a number of cases the arms remained tied, some behind their backs, or that some were blindfolded, clearly indicating that these persons were in detention at the time of their death. He also failed to mention that some of the bodies bore clear signs of torture, including severed ears and fingers, scalplings, and broken limbs. His description of bandaged gunshot wounds and camouflage uniforms is not confirmed by photo and video footage of the corpses. Moreover, Turkish underwear is worn by millions of people across Russia.

In that same report, Chernov reluctantly admitted for the first time that “some” Chechen civilians who had “disappeared” in the custody of federal troops “may have been buried in the village.” He said that investigators are “analyzing current statements regarding the disappearance of local residents on the republic’s territory.”⁵¹

On March 11, 2001, the procurator finally admitted that most of the identified remains were those of civilians who had “died from gunshot wounds at different times.” However, he added that there were “also rebels among the bodies and that several rebel group contacts were identified last week.”⁵²

⁴⁸ Russia TV, February 26, 2001, as cited in BBC Worldwide.

⁴⁹ Itar-Tass news agency, February 26, 2001, as cited in BBC Worldwide.

⁵⁰ Interfax news agency, March 2, 2001, as cited in BBC Worldwide.

⁵¹ Ibid.

⁵² Interfax news agency, March 11, 2001, as cited in BBC Monitoring.

While Chernov speculated about how those found in the grave had died, he criticized efforts by nongovernmental organizations to document the summary executions and publicize their findings. He accused Memorial of “leaping to conclusions” when it reported that some of the bodies were “disappeared” civilians.⁵³

The Memorial Human Rights Center interviewed the relatives of more than a dozen of people whose bodies were recovered from Dachny village. In each of these cases, there was convincing evidence that the person had previously “disappeared” in the custody of Russian troops. On March 5, they released their preliminary findings at a press conference; on March 13, 2001, Chernov criticized the Memorial Human Rights Center for doing so. In an interview with Interfax, he said: “[I]f the authors of this theory have well-founded evidence, they should apply to the prosecutors, not to the mass media. We, on our part, don’t find it possible to express unchecked theories.”⁵⁴ Prior to its press conference, Memorial sent a letter to Procurator General Vladimir Ustinov about the discovery of the bodies.

THE CRIMINAL INVESTIGATION

Russia has failed to conduct a thorough and credible investigation of the mass burial site. As a result of an inadequate identification procedure, the premature burial of thirty-four unidentified bodies, the failure to record and preserve important evidence, and inadequate autopsies of at least two-thirds of the bodies, important evidence that could have led to identification of the perpetrators has been lost. The inadequate investigative efforts in this case are typical of Russia's general failure to carry out meaningful investigations into widespread violations of human rights and humanitarian law that have been perpetrated by its troops over the course of the conflict in Chechnya.⁵⁵

Information about the criminal investigation from official sources has been scant. The Associated Press reported that a criminal investigation was opened on February 25.⁵⁶ On March 2, Interfax quoted Chernov as saying that his office and “other law enforcement agencies” had set up a special analysis group to participate in the investigation into the discovery of the bodies. According to Chernov, this group would analyze “the history of armed clashes between the federal forces and rebels in the Chechen capital” to see if they coincide with the times of death of those whose bodies were discovered. To his credit, Chernov said the group would also look into “current statements regarding the disappearance of local residents on the republic’s territory” as “possibly some of these may have been buried in the village.”⁵⁷ No further information has been forthcoming since.

International Standards

Russia has a duty under international human rights law to conduct an effective investigation into the summary executions and torture evidenced by the discoveries at Dachny.⁵⁸ Russia's efforts toward this end look especially

⁵³ Ibid.

⁵⁴ Maura Reynolds, “His Wife Killed, Chechen Judge Loses Faith in Law,” *Los Angeles Times*, March 14, 2001.

⁵⁵ Human Rights Watch, “Memorandum on Domestic Prosecutions for Violations of International Human Rights and Humanitarian Law in Chechnya,” February 13, 2001. See also United Nations Commission on Human Rights resolution 2001/24, “Situation in the Republic of Chechnya of the Russian Federation,” adopted April 20, 2001 (E/CN.4/RES/2001/24).

⁵⁶ “Russia Military Takes Over Probe Into Chechen Corpses,” Associated Press, February 26, 2001.

⁵⁷ Interfax news agency, March 2, 2001, as cited in BBC Worldwide.

⁵⁸ The International Covenant for Civil and Political Rights (ICCPR) requires in article 3 that “each State Party undertakes to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy notwithstanding that the violation has been committed by persons acting in an official capacity.” The Soviet Union ratified the ICCPR on October 16, 1973. Russia, as the Soviet Union’s successor state, is a state party to the convention. The European Convention for Human Rights contains a similar provision in article 13. Russia ratified the European Convention on May 5, 1998.

meager when judged by standards set out in two United Nations documents. The U.N. Economic and Social Council recommended in May 1989 that governments respect the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (the 1989 Principles), which provides a broad approach to the issue.⁵⁹ In May 1991, the Crime Prevention and Criminal Justice Branch of the U.N. Centre for Social Development and Humanitarian Affairs published a *Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions* (the 1991 manual), which details procedures for conducting investigations into extrajudicial executions.⁶⁰

The 1989 principles provide, among other things, for the thorough, prompt, and impartial investigation of all extrajudicial executions. The purpose of the investigation shall be to determine the cause, manner, and time of death, the persons responsible, and any pattern or practice that may have caused that death. It shall include an adequate autopsy, collection and analysis of all physical and documentary evidence, and statements from witnesses.⁶¹ Where established procedures are inadequate, governments shall pursue investigations through an independent commission of inquiry or similar procedure.⁶²

The Identification Process

The 1989 U.N. Principles provide that those who conduct inquiries into suspicious deaths must "attempt to identify the deceased."⁶³ The Russian government, however, did not take most of the steps normally taken to expedite the identification process. In particular, the Russian government failed to use its access to television, radio, and newspapers to provide the public with information about the discovery of the bodies, announce the exact days and the location at which the bodies would be displayed to relatives of missing persons, or urge people to come to view the bodies.

⁵⁹Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, E.S.C. res. 1989/65, annex, 1989 U.N. ESCOR Supp. (No. 1) at 52, U.N. Doc. E/1989/89 (1989).

⁶⁰ United Nations, *Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions*, (New York: United Nations Publications, 1991), E.91.IV.I.

⁶¹Principle 9 of the 1989 Principles reads, "There shall be thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances. Governments shall maintain investigative offices and procedures to undertake such inquiries. The purpose of the investigation shall be to determine the cause, manner and time of death, the person responsible, and any pattern or practice which may have brought about that death. It shall include an adequate autopsy, collection and analysis of all physical and documentary evidence and statements from witnesses. The investigation shall distinguish between natural death, accidental death, suicide and homicide." U.N. Doc. E/1989/89 (1989).

⁶²Principle 11 of the 1989 Principles reads, "In cases in which the established investigative procedures are inadequate because of lack of expertise or impartiality, because of the importance of the matter or because of the apparent existence of a pattern of abuse, and in cases where there are complaints from the family of the victim about these inadequacies or other substantial reasons, Governments shall pursue investigations through an independent commission of inquiry or similar procedure. Members of such a commission shall be chosen for their recognized impartiality, competence and independence as individuals. In particular, they shall be independent of any institution, agency or person that may be the subject of the inquiry. The commission shall have the authority to obtain all information necessary to the inquiry and shall conduct the inquiry as provided for under these Principles." U.N. Doc. E/1989/89 (1989).

⁶³Principle 13 of the 1989 Principles reads, "The body of the deceased shall be available to those conducting the autopsy for a sufficient amount of time to enable a thorough investigation to be carried out. The autopsy shall, at a minimum, attempt to establish the identity of the deceased and the cause and manner of death. The time and place of death shall also be determined to the extent possible. Detailed colour photographs of the deceased shall be included in the autopsy report in order to document and support the findings of the investigation. The autopsy report must describe any and all injuries to the deceased including any evidence of torture." U.N. Doc. E/1989/89 (1989).

Most relatives of “disappeared” and missing persons found out that the bodies were on display by word of mouth and sometimes by pure coincidence. For example, an aunt of Magomed Malsagov found out about the bodies in this way and found the body of her nephew. She told Human Rights Watch that in early March:

We went to the telephone office to call my sister, [and saw] some women there, crying. We asked why they were crying. They told us that bodies, many bodies had been brought in. . . . So we thought: Let’s go and have a look. . . . We went in, started to cry and went out again. We didn’t find anything. Later we went back on [March] 3, I think, and found Umatgeri there, at the Ministry of Emergency Situations. We went again on [March] 4 in the morning and found Magomed.⁶⁴

A relative of Turko Alaskhanov, who has been missing since November 26, 2000, also learned of the bodies by coincidence. She told Human Rights Watch that on March 2, 2001 she went to the police station adjacent to the base to try and obtain a passport for her fourteen-year-old son. She said:

I was standing in line when all sorts of women walked in that direction [indicates the base], there were many women. I asked: “Where are you going?” They said that “they put the bodies there. . . in a garage, those who have missing relatives are going there to identify [them].”⁶⁵

She did not find the body of Alaskhanov among them.

By March 10, 2001 fourteen of the bodies on display at the MChS base had been identified. Instead of making efforts to inform interested persons that they might view the unidentified bodies for identification purposes, the remaining unidentified thirty-four bodies were hastily buried on that day. The Russian government and investigators made no prior announcement or explanation for the burial. While additional bodies were identified practically every day prior to March 10, only two more bodies have been identified since. Investigators might reasonably have expected that more bodies would be identified in subsequent days.

Chechnya procurator Chernov assured the media the Interfax news service that “the material we gathered is more than sufficient for any future identification, no matter how complicated it may turn out to be.”⁶⁶ However, investigators failed to save the clothes the bodies were found in—a primary way of identifying otherwise unrecognizable bodies as well as potentially important evidence. As far as Human Rights Watch is aware, no equipment was available to investigators and pathologists to take dental X-rays and X-rays of skeletal irregularities. There is no evidence that investigators took other steps such as taking detailed photographs of facial structures and clothes, fingerprints, and samples for DNA testing, which would facilitate identification of bodies after burial.

The Forensic Examination

Russian investigators failed to conduct adequate forensic examinations on at least two-thirds of the bodies that were recovered from Dachny village, and the Russian government failed to provide the appropriate resources for such examinations. Forensic examiners did not conduct full external examinations on each of the bodies, and nor did they remove clothing for testing or inspection by relatives, or remove rope, wire, and bullets from the bodies for later evidentiary use. Due to a lack of access to the examination reports, a full assessment of the forensic examinations was not possible at the time of this writing.

Investigation on the Scene

⁶⁴ Human Rights Watch interview with “Liza L.” (not her true name), Nazran, March 13, 2001.

⁶⁵ Human Rights Watch interview, name withheld, Sputnik camp for internally displaced persons, March 5, 2001.

⁶⁶ Interfax news agency, March 2, 2001, as cited in BBC Worldwide.

The U.N.'s 1991 manual includes a comprehensive checklist of the steps that should be following during a basic forensic postmortem examination. It recommends that medical investigators at the scene of a crime perform this series of steps, including photographing the body before it is moved as well as afterwards, recording the body's condition and position, examining the scene for blood, and storing the body in a secure refrigerated location.⁶⁷

It is clear that the bodies were not stored in cooling devices after removal from the village, because officials themselves complained about the lack of necessary equipment. While procuracy officials told journalists that the bodies at Dachny village were photographed and recorded on video⁶⁸ and that a forensic pathologist participated in the recovery operation, it remains unclear what steps if any were taken to examine and preserve potentially crucial evidence from the burial site.⁶⁹ An official involved in the recovery process spoke to Memorial about the lack of such equipment, and said that he did not have sufficient photo and video equipment to create a proper record of all the bodies.

The Autopsy

Pathologists and investigators did not observe key elements recommended by the 1991 manual for the proper conduct of an autopsy, particularly concerning the need to remove clothing and "foreign objects" carefully and to preserve them for later evidentiary use, as well as the requirement of a thorough external examination. However, a comprehensive assessment of the examinations cannot be made at this point due to a lack of information about the examination and a failure, so far, by investigators to provide relatives of the deceased who have been identified with examination reports—as prescribed in the U.N. manual.

Photographs taken on March 10, 2001 of the thirty-four bodies that were not identified reveal that practically all of the corpses were clothed and that in a number of cases the arms remained tied behind their backs or in front of them even after the examination was completed. It is thus evident that items of clothing and "foreign objects," such as rope and wire, were not removed from the bodies. Procuracy officials at the MChS base told Memorial on February 28, 2001 that bullets were not removed from the bodies either. It is therefore highly unlikely that the forensic examiner was able to conduct an adequate external examination of these bodies.

It remains unclear how thoroughly the forensic pathologist was able to examine the clothing and those parts of the body that were not covered by clothing or easily accessible. It is unlikely that any radiography of the bodies was performed as the forensic examiner himself pointed out that he had no equipment that would have allowed X-rays.

Failure to Create Appropriate Conditions

The Russian government failed to provide investigators with sufficient expert staff and technical resources to conduct adequate examinations of each of the bodies. In an interview with Memorial, forensic examiner Makhmud Chumakov said that he, as the only forensic pathologist available, had to examine all the bodies. Considering that Chumakov had to examine forty-eight bodies, it is clear that he could not spend sufficient time with each. Furthermore, Chumakov told Memorial that his only equipment were rubber gloves and a scalpel, and that there were no devices to cool the bodies available.⁷⁰

The Investigation

⁶⁷ United Nations, *Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions*, p. 16-17.

⁶⁸ Memorial Human Rights Center, "Bodies Near Khankala," March 5, 2001.

⁶⁹ Indeed, a picture taken on February 25, 2001 of a group of investigators shows Chechnya procurator Chernov at the site filming a dead body.

⁷⁰ Memorial Human Rights Center, "Bodies Near Khankala," March 5, 2001.

As of the time of this writing, it is too early to provide a comprehensive assessment of the efforts by investigators to track down and question relevant witnesses or to establish the identity of those responsible for the killings and dumping of the bodies at Dachny. However, the failure to save material evidence, such as clothes and bullets does not bode well. Crucially, the investigation is conducted by investigators from the civilian procuracy, which does not have the authority to question military servicemen.⁷¹

The cases of sixteen of the seventeen people identified have all the characteristics of hundreds of other “disappearances” that have occurred during the current Chechnya conflict. Many of these “disappearances” are already under investigation but few have yielded any result. In fact, some of the “disappearances” of people whose bodies were found at Dachny village were already the subject of a drawn-out and ineffective criminal investigation prior to the discovery. For example, the Grozny city procuracy opened a criminal investigation into the “kidnapping” of Nura Lulueva and her two cousins in June 2000. After several months, the investigation was suspended even though investigators had not questioned Nura Lulueva’s husband. In November 2000, the investigation was reopened only to be suspended again several months later.⁷²

In its March 2001 report, Human Rights Watch concluded that investigations into many “disappearance” cases seemed “doomed to fail because they are assigned to the civilian procuracy which has no jurisdiction over military servicemen.” It noted that the military procuracy often refused to cooperate with investigations. As the civilian Chechnya procuracy is conducting the investigation into the discovery of the bodies at Dachny village, it is highly likely that its investigators will encounter serious problems questioning relevant witnesses and suspects.

It was unclear what kind of investigation the procuracy is conducting with regard to the thirty-two unidentified bodies. Their premature burial and that of their clothes have significantly decreased the chances that these bodies will ever be identified. It appears unlikely that investigators will be able to establish the facts around their deaths without first establishing the identity of the bodies.

THE INTERNATIONAL RESPONSE

For the most part, the international community reacted to the discovery of the mass dumping ground and botched investigation with a deafening silence. The Council of Europe missed an opportunity to use its unique position as the only international organization with a field presence in Chechnya to press authoritatively for an effective investigation. Its staff did not visit the grave site, view the bodies, or scrutinize the investigation. In sharp contrast with its very public demands for thorough and transparent investigations when similar graves were discovered in Kosovo in 1999 and 2000, governments and multilateral organizations made no widely circulated public statements. The U.S. and the OSCE, whose Assistance Group for Chechnya has a specific human rights mandate, made no public statements on the issue at all.⁷³ The European Union issued a statement calling for a thorough investigation but made no effort to

⁷¹ The civilian procuracy has jurisdiction over civilian police and OMON troops. Only the military procuracy has the authority to question and investigate servicemen serving in the Russian army, in the Ministry of Internal Affairs’ internal troops, and Spetsnaz forces.

⁷² Human Rights Watch interviews with Said-Alvi Luluev, Moscow, October 19, 2000 and March 12, 2001.

⁷³ On April 11, 1995, the OSCE established the Assistance Group to Chechnya. Its mandate, explicitly reaffirmed by all OSCE member states, including Russia, at the November 1999 Istanbul Summit, provides that it will, among other things, “promote respect for human rights and fundamental freedoms,” and “facilitate the delivery to the region by international and nongovernmental organizations of humanitarian aid for victims of the crisis, wherever they may be located.” The Assistance Group enjoys “all possible freedom of movement on the territory of the Chechen Republic and also on the territory of neighboring subjects of the Russian Federation, if so required for the performance of its tasks.” The OSCE Assistance Group left the region when hostilities broke out in September 1999; as of this writing, the Russian government has impeded the group’s redeployment

publicize it. On April 20, the United Nations Commission on Human Rights adopted a resolution condemning summary executions and forced disappearances in Chechnya, and called for thorough investigations of such crimes.

The Council of Europe

The Council of Europe was well positioned to respond in a meaningful manner to the discovery of the mass dumping ground. In the week following the discovery, several council officials traveled to Chechnya, but did not visit the mass dumping ground or view any of the bodies that had been recovered from it.

From February 27 to 29, 2001, Council of Europe Commissioner for Human Rights Alvaro Gil-Robles visited Chechnya, traveling to Znamenskoe, Gudermes, and the Khankala military base, less than one kilometer from the site of the dumping ground. Gil-Robles raised the mass dumping ground and the need for a thorough investigation, including forensic examinations, in his meetings with Russian officials.⁷⁴ He did not visit Dachny village or view any of the sixteen bodies that were on display at the time of his visit. In a March 3 meeting with Russian nongovernmental organizations and Human Rights Watch, Gil-Robles explained that he had pressed for Mr. Kalamanov to visit the mass dumping ground, with the expectation that this would serve to strengthen Mr. Kalamanov's authority vis a vis the police the military to inspect other sites of human rights violations, including military bases and encampments. Gil-Robles believed this would create a precedent that would be followed in any future cases of atrocities, whereas a Council of Europe visit by a layman with no expertise in forensic matters would set no precedent.⁷⁵

Three Council of Europe experts have been seconded to the office of the Special Representative of the President of the Russian Federation for Human Rights in Chechnya, Mr. Vladimir Kalamanov, since June 2000. These experts were in Chechnya part of the time, from February 24 to March 10, when the bodies were recovered from Dachny village and laid out at the MChS base. Although since their arrival in Chechnya the experts have traveled to numerous locations throughout Chechnya, they did not visit Dachny village or the MChS base due to a belief at the Council of Europe that their lack of expertise in forensic matters meant that little would be gained by such a visit.⁷⁶ The seventh interim report on the Council of Europe experts' activities refers to the mass grave only in an addendum of reports and activities by other international organizations.⁷⁷

Human Rights Watch had called on the Council of Europe to closely monitor the investigation of the mass dumping ground immediately after its discovery became public.⁷⁸ Visits by Mr. Gil-Robles and the Council of Europe

by insisting on control over the group's security arrangements and on vetting of all local and expatriate staff.

⁷⁴ Report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to the Russian Federation and the Republic of Chechnya (25th February to the 4th March 2001) for the Committee of Ministers and the Parliamentary Assembly, pp. 7: "During my visit to Chechnya, the Chief Public Prosecutor, Mr. Tchernov, informed me that investigations were currently being conducted in Zdorovie, following the discovery there of a mass grave. 16 bodies have so far been recovered, with more still expected. I insisted that all attention be directed at this matter, from the top down, and that forensic examinations be conducted immediately with a view to establishing the time and cause of the deaths and the identities of the corpses. The relevant authorities assured me of their readiness to carry out such an investigation without delay and to keep me informed of its developments. Ominously, representatives of Memorial have claimed that a number of families of persons detained for many months by the federal forces had already identified their relatives amongst the victims."

⁷⁵ Alvaro Gil-Robles, in a March 3, 2001 meeting with Human Rights Watch and Russian nongovernmental organizations, Moscow.

⁷⁶ Human Rights Watch meeting with Jan Kleijssen, chef de cabinet, office of the secretary general, Strasbourg, April 26, 2001.

⁷⁷ Seventh interim report by the secretary-general on the presence of the Council of Europe's experts in the Office of the Special Representative of the President of the Russian Federation for ensuring Human Rights and Civil Rights and Freedoms in the Chechen Republic, Period from 1 to 31 March 2001, SG/Inf(2001)12/17 April 2001.

⁷⁸ Letter to Council of Europe Secretary General Walter Schwimmer dated February 26, 2001.

experts to Dachny village or the MChS base could have made an important contribution to a meaningful investigation of the mass dumping ground. In addition to the significance of such a visit as a signal of the importance accorded a serious investigation, as simple observers they would have been able independently to confirm basic information about the state of the bodies; in particular, that the hands and legs were tied, or that the faces had been blindfolded; that they bore gunshot wounds (bandaged or not); and whether most wore civilian clothes or camouflage uniforms. This would have helped the Council of Europe reach an independent conclusion about whether those found had been victims of extrajudicial executions. They could have spoken directly to forensic examiners and investigators about progress made on the investigation, with a view to establishing whether initial steps in the investigation were consistent with international standards. This would also have enabled them more authoritatively and accurately to assess the need for cooling devices to preserve the bodies; for additional equipment for the forensic examiner; and for additional forensic examiners.⁷⁹ Furthermore, such a visit would have enabled them more authoritatively to insist on a thorough and transparent investigation in meetings with top Russian officials, and to make the investigation a priority issue.

While enhancing Mr. Kalamenov's status is laudable, this is not an end in itself but a means to an important end: an effective domestic accountability process. The botched investigation into the mass dumping ground was only the most recent example of the failure of this process, and underscores the need for scrutiny not only by domestic but also international institutions.

During his visit Mr. Gil-Robles proposed the establishment of a Joint Working Group—comprising Mr. Kalamenov's office, the Council of Europe experts, and procuracy officials—that would meet monthly to track progress of investigations and prosecutions. Human Rights Watch welcomes this endeavor.

The European Union

The European Union and several associated countries issued a statement on the discovery of the grave urging a thorough and transparent investigation.⁸⁰ However, as the statement was not widely circulated, even among E.U. agencies and outposts, it had little impact. In fact, several E.U. diplomats in Moscow and capitals did not know of the statement's existence.

Issued March 8, 2001 at the Permanent Council of the OSCE, the statement expresses the E.U.'s alarm at the discovery of the graves, and urges the Russian authorities to “complete a transparent and comprehensive investigation” and to provide detailed information. As far as Human Rights Watch is aware, the E.U. did not offer technical assistance to the Russian government to investigate the mass dumping ground.

The United Nations

On April 20, the United Nations Commission on Human Rights adopted a resolution condemning human rights violations in Chechnya perpetrated by federal forces, citing “forced disappearances, extrajudicial, summary and arbitrary executions, torture, and other inhuman and degrading treatment.” The resolution, the second of its kind in two years, called on Russia to “ensure that both civilian and military prosecutor's offices undertake systematic, credible and exhaustive criminal investigations and prosecutions” of all violations of international human rights and humanitarian law. It reiterated its requirement, also made in last year's UNCHR resolution, for Russia to establish a “national broad-based and independent commission of inquiry” into abuse, with a view to bringing perpetrators to justice and preventing impunity. Despite Russia's failure to create such a commission or ensure effective prosecutions

⁷⁹ In a meeting with Human Rights Watch and Russian nongovernmental organizations on March 3, 2001, Mr. Gil-Robles expressed concern about the lack of resources available to the Chechnya procuracy, and the impact this has on forensic examinations.

⁸⁰ E.U. Statement on Chechnya, Permanent Council No. 325 (8 March 2001), PC.DEL/135/01.

after the April 2000 resolution, the commission declined to call for the creation of an international commission of inquiry.

The U.N. High Commissioner for Human Rights, Mary Robinson, called for a thorough investigation of the mass grave site in a statement to the 57th session of the U.N. Commission on Human Rights on March 29, 2001.⁸¹ Robinson stated that “cases such as the mass grave in Zdorovie discovered earlier this year, less than a kilometer from the main military base in Chechnya, must be followed up and thoroughly investigated.” In the same statement, Robinson expressed concern over the problem of impunity but did not mention the fact that numerous “disappearances” continue to take place.

RECOMMENDATIONS

To the Government of the Russian Federation

A. Investigate violations of international human rights and humanitarian law

- C Exhume the thirty-two unidentified bodies found in Dachny, for a thorough forensic examination with a view to identifying each individual and establishing the cause and manner of death. Make available adequate resources for effective forensic examinations.
- C Undertake full and objective criminal investigations into the deaths of those found at the mass dumping ground at Dachny. Ensure that the investigating agency has the authority to interrogate all relevant persons, including military personnel.
- Investigate fully allegations of violations of international human rights and humanitarian law, including cases of extrajudicial executions and forced disappearance; prosecute all military and police personnel, government officials and their agents found responsible for violations.
- In compliance with E.U.-sponsored U.N. Commission on Human Rights (UNCHR) resolution 2001/24 (April 20, 2001), approve requests for invitations to the U.N. Special Rapporteur on Summary Executions, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on Torture, and other relevant special rapporteurs and working groups of the commission. Ensure that these thematic mechanisms have full access to regular and ad-hoc detention facilities, sites of mass or makeshift graves, and official documents relevant to their mandates.
- C In compliance with UNCHR resolution 2001/24, establish an independent national commission of inquiry that would ensure the effective investigation and prosecution of those responsible for violations of international human rights and humanitarian law. Its composition and operation should conform to international standards for national commissions of inquiry established in 2000 by the U.N. High Commissioner for Human Rights.
- C Adhere to the model protocols set out in the U.N. *Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions* on investigations into summary executions, on the conduct of autopsies, and on the disinterment and analysis of skeletal remains.

B. Prevent Extrajudicial Executions and Forced Disappearances

⁸¹ Introductory Statement by Mary Robinson, United Nations High Commissioner for Human Rights, Report on the Situation in the Republic of Chechnya of the Russian Federation (E/CN.4/2001/36), Geneva, March 29, 2001.

- C Fully apply the 1989 U.N. Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions and the 1992 U.N. Declaration on the Protection of All Persons from Enforced Disappearances.
- C Take necessary measures to ensure that all Russian Federation forces—including Ministry of Defense troops, Spetsnaz, OMON, and other Ministry of Interior troops, as well as all staff working at detention centers—immediately cease carrying out forced disappearances, torture, and extrajudicial executions.
- Hold all detainees only in officially recognized places of detention. Cease the practice of secret detention even if it takes place on the premises of an officially recognized detention facility.
- Inform all detainees immediately of the grounds of arrest and any charges against them. Provide all detainees with immediate and regular access to lawyers, and allow detainees to petition for judicial review of their detention without delay, as envisaged in Russian law. Ensure procedural rights of all persons detained and/or accused of crimes are respected.
- Inform the families of detained persons of their detention, and the reason for and location of the detention. Allow families of detained persons regular contact with detainees.
- Make publicly available regularly updated figures on the number of individuals charged and arrested for security-related crimes in Chechnya, with information on their identities, the charges on which they are being held, and the places of their detention. Maintain a centralized and accurate, region-wide register of the names and places of detention and make this register readily available to detainees' family, counsel, and other legitimately interested persons.

Ensure access by the international community

- Provide unrestricted access to detainees and detention facilities by representatives of the International Committee of the Red Cross (ICRC), as well as the Assistance Group of the Organization for Security and Cooperation in Europe (OSCE), the experts of the Council of Europe seconded to the Office of the Special Representative of the President of the Russian Federation for Human Rights in Chechnya, and to the representatives of the UNCHR special mechanisms;
- Quickly resolve technical obstructions to the return of the OSCE Assistance Group to Grozny.

To the International Community:

- Establish an international commission of inquiry to observe, investigate, and publicly report upon human rights and humanitarian law violations of the armed conflict in Chechnya. Should the Russian authorities opt not to cooperate with or obstruct the work of the international commission, however, it should still convene hearings, hear testimony, and publish authoritative reports, thereby creating an official record.
- C Governments should make compliance with UNCHR resolution 2001/24, in particular invitations to the relevant U.N. thematic mechanisms, a key element for cooperation in their bi-lateral relations with Russia. The extent of compliance with 2001/24 and other measures to address the human rights situation in Chechnya should be a priority agenda item for furthering ministerial and heads-of-state meetings with Russia.

United Nations:

- The High Commissioner for Human Rights should continue her commitment to working on Chechnya. She should continue to engage the Russian government on its implementation of resolution 2001/24, and should consider a return visit to the region that would include visits to sites of mass dumping grounds, as well as detention facilities and sites known to have served as ad-hoc detention facilities.
- The U.N. Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, the U.N. Special Rapporteur on Torture, the U.N. Working Group on Enforced or Involuntary Disappearances and the U.N. Working Group on Arbitrary Detention should continue to pursue the visits mandated by the resolution 2001/24.

Council of Europe:

- Ⓒ Council of Europe officials, including the experts seconded to the office of the Special Representative of the President of the Russian Federation for Human Rights in Chechnya (“Kalamonov’s Office”) should as a matter of priority visit body dumping sites. This should be considered a fundamental element of their work on improving human rights protections in the region.
- Ensure that the role of the Council of Europe experts seconded to the office of the special representative, as anticipated by the secretary general of the Council of Europe immediately preceding their deployment, continues to be “an important step to restore the human rights situation in the region back to normalcy and bring those responsible for human rights violations to justice.”
 - The Secretariat and Council of Europe member states should offer technical assistance to the Russian authorities to ensure effective autopsies and other handling of forensic evidence.
 - The newly created Parliamentary Assembly-State Duma Joint Working Group on Chechnya and the Joint Working Group set up between Kalamonov’s office and Russian procuracy officials should continue to monitor the process of accountability. Both bodies should as a matter of priority monitor the progress of investigations and prosecutions of the extrajudicial executions and the subsequent dumping of the bodies at Dachny, and should report regularly and publicly regarding their findings. Should the Russian government fail to take the steps outlined above to ensure an effective investigation of the site, the Council of Europe should consider terminating its participation in the aforementioned joint working groups.
 - As envisioned by its 1994 Declaration on Compliance with Commitments Accepted by Member States of the Council of Europe, the Committee of Ministers of the Council of Europe should set in motion a special investigation into Russia’s compliance with its Council of Europe commitments. It should take into account the reports of the secretary general and experts, which concluded that Russia has already failed to live up to its obligations to respond adequately to the secretary general’s request—pursuant to article 52 of the European Convention on Human Rights—for information on how the Russian Federation is implementing its commitments under the convention in Chechnya.

Organization for Security and Cooperation in Europe:

- Ⓒ OSCE member states should request that Russia report to the OSCE Permanent Council on efforts to hold accountable those responsible for the forced disappearances and extrajudicial executions of those found at Dachny.
- As is foreseen under the existing Assistance Group mandate, the OSCE should continue to seek the immediate deployment of the Assistance Group delegation to Chechnya and Ingushetia: to gather evidence of violations of

human rights and humanitarian law committed in Chechnya; to report publicly on any such abuses and make recommendations to the Russian government to curb abuses and hold those responsible accountable.

- Even prior to its deployment in the region, the Assistance Group should closely monitor the progress of investigations into body dumpings, including the Dachny site. Such monitoring should take the form of regular queries to national, international, and nongovernmental entities for information regarding the progress of investigations and prosecutions and regular reports to the OSCE Permanent Council.
- In accordance with the 1994 Code of Conduct on Politico-Military Aspects of Security, articles 30 and 31, the OSCE must insist on Russia's obligations to investigate abuses committed by Russian Federation troops in Chechnya and prosecute those found responsible. The OSCE should insist that Russia keeps the chair-in-office and the OSCE Permanent Council informed on progress in this regard.

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Europe and Central Asia Division

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We stand with victims and activists to bring offenders to justice, to prevent discrimination, to uphold political freedom and to protect people from inhumane conduct in wartime.

We investigate and expose human rights violations and hold abusers accountable.

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